

## LAND ACQUISITION AND STATE ASSISTANCE

### Appropriation Language

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, [\$274,117,000] \$286,647,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control of 1985, as amended, for the purposes of such Act, of which [\$144,000,000] \$200,000,000 is for the State assistance program [including \$4,000,000 to administer the State assistance program, and of which \$11,000,000 shall be for grants, not covering more than 50 percent of the total cost of any acquisition to be made with such funds, to States and local communities for purposes of acquiring lands or interests in lands to preserve and protect Civil War battlefield sites identified in the July 1993 Report on the Nation's Civil War Battlefields prepared by the Civil War Sites Advisory Commission: *Provided*, That lands or interests in land acquired with Civil War battlefield grants shall be subject to the requirements of paragraph 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8(f)(3))], including \$50,000,000 for a Cooperative Conservation Program that provides competitively awarded grants to states for the purposes of restoration, protection, and enhancement of natural areas, as determined by the Secretary: *Provided*, That these purposes shall include but not be limited to: habitat protection, wetlands restoration, and riparian area protection: *Provided further*, That of the amounts provided under this heading for the State assistance program, not to exceed \$5,400,000 shall be available for the administration of this program: *Provided further*, That of the amounts provided under this heading, [\$15,000,000] \$20,000,000 may be for Federal grants, including Federal administrative expenses, to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed; and \$16,000,000 may be for project modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act]: *Provided further*, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State, or are matched by the State pursuant to the cost-sharing provisions of section 316(b) of Public Law 104-303, and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: *Provided further*, That none of the funds provided for the State Assistance program may be used to establish a contingency fund.

### Justification of Proposed Language Changes

1. Deletion: "including \$4,000,000 to administer the State assistance program,"

Language pertaining to administrative funding for the State assistance program would be relocated so as to follow the description of the newly proposed Cooperative Conservation Program, as the requested funds would be used to administer both programs.

2. Deletion: "and of which \$11,000,000 shall be for grants, not covering more than 50 percent of the total cost of any acquisition to be made with such funds, to States and local communities for purposes of acquiring lands or interests in lands to preserve and protect Civil War battlefield sites identified in the July 1993 Report on the Nation's Civil War Battlefields prepared by the Civil War Sites Advisory Commission: *Provided*, That lands or interests in land acquired with Civil War battlefield grants shall be subject to the requirements of paragraph 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8(f)(3))"

This provision was included in fiscal year 2002 to fund a one-time program to assist in the protection of Civil War battlefield sites not included in the National Park System. It is not applicable to 2003.

3. Addition: “, including \$50,000,000 for a Cooperative Conservation Program that provides competitively awarded grants to states for the purposes of restoration, protection, and enhancement of natural areas, as determined by the Secretary: *Provided*, That these purposes shall include but not be limited to: habitat protection, wetlands restoration, and riparian area protection: *Provided further*, That of the amounts provided under this heading for the State assistance program, not to exceed \$2,000,000 shall be available for the administration of this program”

This proposed language would initiate a program which complements the State Conservation Grants program under the Land and Water Conservation Fund by broadening the scope of purposes for which the National Park Service may provide assistance to the states in obtaining lands for public benefit.

4. Addition: “, including Federal administrative expenses,”

The proposed addition would permit funding of administrative expenses for this additional grant without impacting the resources available for the administration of the remainder of the state grant and cooperative conservation programs.

5. Addition: “, or are matched by the State pursuant to the cost-sharing provisions of section 316(b) of Public Law 104-303,”

The cited section of P.L. 104-303 provides for a modified cost sharing plan for improvements related to one portion of the Everglades restoration program (Canal 111). The proposed language would provide consistency with existing law.

### Authorizing Statutes

**16 U.S.C. 460I-4 to I-11 Land and Water Conservation Fund Act of 1965**, as amended, establishes the Land and Water Conservation Fund, prescribes how funds are to be obtained and distributed. Authorizes certain activities with the common purpose of helping provide outdoor recreation resources; these include: inventory, evaluation, and classification of needs and resources; formulation of a comprehensive nationwide recreation plan; technical assistance to non-federal entities; encouragement of cooperation among states and federal entities; research and education.

**16 U.S.C. 410r Everglades National Park Protection and Expansion Act of 1989** (P.L. 101-229) provides that “all funds made available pursuant to this subsection shall be transferred to the State of Florida or a political subdivision of the State, subject to an agreement that any lands acquired with such funds will be managed in perpetuity for the restoration of natural flows to the park or Florida Bay.”

**Public Law 104-303 Water Resources Development Act of 1996** Section 316 requires that non-Federal funding make up a maximum of 25% of the cost of acquiring portions of the Frog Pond and Rocky Glades areas necessary to implement improvements related to the Everglades restoration program at Canal 111.

### Proposed Legislation

Authorization to establish the Cooperative Conservation Program of competitive grants to states for the purposes of restoration, protection, and enhancement of natural areas is proposed in the appropriation language for fiscal year 2003.

**Appropriation Language  
Land and Water Conservation Fund**

(RESCISSION)

The contract authority provided for fiscal year [2002] 2003 by 16 U.S.C. 460 I-10a is rescinded.